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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,362	09/29/2000	Donald J.K. Olgado	2601/P4/ISIM/COPPER/SB	2179

32588 7590 06/27/2003

APPLIED MATERIALS, INC.  
2881 SCOTT BLVD. M/S 2061  
SANTA CLARA, CA 95050

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/676,362

Applicant(s)

OLGADO ET AL.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 14-16, 18-21 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). 9.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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This is the third office action for serial number 09/676,362, entitled Stable Cell Platform, filed in response to Amendment after Final filed on February 18, 2003.

### **Response to Amendment**

Applicant's after final amendment has been entered into the application. The finality of the last office action is withdrawn based on the indicated allowability of claims 8-11, 14-16 and 20 which is withdrawn in view of the discovered reference(s) to Sheldon et al., Sugata, Robbins, and Zollinger. Rejections based on the cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the

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invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 4-6, 8, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugata 5,988,959. Sugata discloses a lower mainframe (lower 6a), a upper mainframe (upper 6a) including a plurality of recesses (the spaces between upper 6a), a plurality of supporting members (6b) comprising a dampening means being a dampening element being sand (column 6, lines 30) disposed between upper and lower mainframe, fastening structure or means (2). The examiner has determined that the processing cells are only functionally recited and are not positively claimed limitations of the claims therefore, Sugata meets the limitations of claims 4-6 since the upper mainframe

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(upper 6a) is capable of supporting a process cell, a metrology cell, or a SRD cell.

Claims 8, 10, 11, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheldon et al. (Sheldon) 5,354,158. Sheldon discloses a lower mainframe (30), an upper mainframe (between element planar members (near) 34 and 31) including a plurality of recesses (the spaces between the spoke-like arms extending from the upper mainframe element 31), a plurality of support members (40-45 corresponding to 20-25) comprising hollow tubular members and pistons (column 5, lines 5ff), a dampening element (hydraulic fluid). The examiner has determined that the processing cells are only functionally recited and are not positively claimed limitations of the claims therefore, Sheldon meets the limitations of claims 4-6 since the upper mainframe (upper 6a) is capable of supporting a process cell, a metrology cell, or a SRD cell.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussman 2,064,751 in view of Sugata 5,988,959. Hussman discloses a lower mainframe (30), a upper mainframe (28 and 20), comprising a rigidifying plate (28) with an aperture (near 27), a main base plate with plurality of recesses (22), a plurality of supporting members (bellow units), a fastener structure (84). Hussman discloses all of the limitatons of the claimed invention except for the supporting member a dampening means comprising a dampening element being sand. Sugata discloses a plurality of supporting members comprising a dampening means comprising a dampening element being sand (column 6, lines 28). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Hussman to have included the sand as taught by Sugata for the purpose of providing a suitable dampening means. The modification of Hussman to include sand as taught by Sugata is motivated or suggested on page 2, column 2, lines 59, "the space 94 may also be filled with rubber, various solids, and various mixtures of solids and liquids" which leads the examiner to believe that sand (a solid) could be substituted

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within the bellow units (snubbers, shock absorbers, vibration dampeners) as a dampening element.

Claims 9, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable Sheldon 5,354,158 in view of Zollinger 3,932,009. Sheldon discloses all of the limitations of the claimed invention except for the sand. Zollinger teaches that it is known to have a lower mainframe (54); a upper mainframe (42); a plurality of supporting members comprising a hollow tubular member (51), piston (64), and a dampening means being sand (disclosed by the cross hatch). The dampening means is disclosed as a lubricant (68). The definitions of a lubricant is a substance capable of reducing friction, heat, wear when introduced as a film between solid surfaces; something that lessens or prevents friction or difficulty. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Sheldon to have substituted the sand as the lubricant since such a modification is old and well known in the art and would not produce any unexpected results or destroy the invention.

***Allowable Subject Matter***

Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art does not disclose a platform to support a cell comprising a lower mainframe; an upper mainframe including a plurality of recesses and a fastener structure positioned proximate each one of the recesses; a damper system comprising a plurality of support members extending between the lower mainframe and upper mainframe, each support member comprising a hollow tubular member, a piston slidably disposed within the lower tubular member, a dampening element contained within the hollow tubular member, wherein the piston is biased against the dampening element or the upper mainframe comprising a rigidifying plate with at least one aperture and a main base plate comprising the plurality of recesses.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."




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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9326. The fax number for an Official After Final Amendment or Response is (703) 872-9327.

Kimberly Wood  
Primary Examiner  
June 19, 2003

  
KIMBERLY WOOD  
PRIMARY EXAMINER